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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00181 SOM
	)	
Plaintiff,	)	FINAL ORDER OF FORFEITURE
	)	
vs.	)	
	)	
REMY AGBAYANI,	(01)	)
CYNTHIA AGBAYANI,	(02)	)
	)	
Defendants.	)	
	)	

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FINAL ORDER OF FORFEITURE

WHEREAS, on June 14, 2006, this Court entered a Preliminary Order of Forfeiture, ordering defendants REMY AGBAYANI and CYNTHIA AGBAYANI to each forfeit their interest in the following properties:

1. A sum of money equal to \$725,325.51 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Count 1, for which defendants are jointly and severally liable;

2. \$378,915.25 in United States currency, being the net proceeds from the sale of the fee simple interest in the real property located at 648 Moaniala Street in Honolulu, Hawaii, titled in the name of Tyna Lynn Chang, an alias used by defendant CYNTHIA AGBAYANI, and more specifically identified as Tax Map Key No. (1)3-7-022-005, together with all improvement, appurtenances, fixtures, attachments and easements;
3. \$243,050.26 in United States currency seized on September 16, 2003, and September 22, 2003, from American Savings Bank checking account (No. 80000394051) and savings account (No. 3001034918), both held in the name of Reanne N. Agbayani;
4. A sum of money equal to \$275,000.00 in United States currency, representing the amount of proceeds obtained by defendant CYNTHIA AGBAYANI as a result of the offense listed in Count 4

(hereinafter collectively referred to as the "Subject Properties"); and

WHEREAS, the United States caused to be published in the Honolulu Star-Bulletin, a newspaper of general circulation, notice of this forfeiture and of the intent of the United States to dispose of the Subject Properties in accordance with the law and as specified in the Preliminary Order of Forfeiture, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the Subject Properties; and

WHEREAS, written notice was served upon Wells Fargo Bank, via certified mail, return receipt requested, and the

return receipt indicated that the notice was received on June 20, 2006;

WHEREAS, written notice was served upon EMC Mortgage, via certified mail, return receipt requested, and the return receipt indicated that the notice was received on June 19, 2006;

WHEREAS, no timely claim or petition has been filed; and

WHEREAS, the Court finds that defendants REMY AGBAYANI and CYNTHIA AGBAYANI each have an interest in the Subject Properties that is subject to forfeiture pursuant to 18 U.S.C. §§ 982(a)(1) and (a)(2)(A);

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that each of the Subject Properties are hereby forfeited to the United States of America pursuant to 18 U.S.C. §§ 982(a)(1) and (a)(2)(A).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title and interest to the Subject Properties described above is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law;

IT IS FURTHER ORDERED that any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposit, and the proceeds from the sale of any forfeited property, after the payment of costs and expenses incurred in connection with the forfeiture, sale and disposition

of the forfeited property, shall be deposited forthwith by the United States Marshals Service into the Department of Justice Assets Forfeiture Fund in accordance with law; and

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

DATED: September 13, 2006, at Honolulu, Hawaii.



  
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Susan Oki Mollway  
United States District Judge

USA v. AGBAYANI, et al.  
Cr. No. 04-00181 SOM  
"Final Order of Forfeiture"